

Message Text

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70

ACTION L-03

INFO OCT-01 AF-08 ISO-00 CIAE-00 DODE-00 PM-04 H-02 INR-07

NSAE-00 NSC-05 PA-01 PRS-01 SP-02 SS-15 USIA-06

JUSE-00 COME-00 EB-07 TRSE-00 /062 W

----- 000555

R 301358Z APR 76

FM AMEMBASSY LUSAKA

TO SECSTATE WASHDC 3297

LIMITED OFFICIAL USE LUSAKA 1163

FOR L/PM

EO 11652: N/A

TAGS: PGOV, PFOR

SUBJECT: CABINET TASK FORCE ON QUESTIONABLE PAYMENTS ABROAD:

FOREIGN LAWS ON QUESTIONABLE PAYMENTS

REF: STATE 94647

1. FOLLOWING ARE RESPONSES TO QUESTIONS RAISED REFTEL:

A. YES. CHAPTER 146, SECTIONS 94-103, PROVIDES
THAT OFFERING OR ACCEPTING BRIBES AND EXTORTION ARE MISDEMEANORS PUNISHABLE BY IMPRISONMENT FOR THREE YEARS.

B. NO. HOWEVER, UNDER THE LEADERSHIP CODE OF THE
UNITED NATIONAL INDEPENDENCE PARTY, ALL PUBLIC SERVANTS ARE
REQUIRED TO MAKE A WRITTEN DECLARATION WITHIN THREE MONTHS
OF TAKING OFFICE OF ALL PROPERTY OR ASSETS OWNED BY THEM.
IT IS UNCLEAR WHETHER THE CODE SPECIFICALLY REQUIRES REVEALING
THE SOURCE OF THESE ASSETS AS WELL AS THEIR EXISTENCE. FAILURE
TO DISCLOSE ASSETS, WHETHER LEGALLY OR ILLEGALLY OBTAINED,
INCURS A LIABILITY OF EXPULSION OR SUSPENSION FROM THE PARTY.

C. YES.

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D. NO. ZAMBIA IS A ONE-PARTY STATE. PRESUMABLY PAYMENTS TO POLITICAL ORGANIZATIONS OTHER THAN THE OFFICIAL PARTY WOULD BE ILLEGAL.

E. NO.

F. YES.

2. LEGISLATION RELATING TO CONDUCT OF PUBLIC SERVANTS COMES UNDER THE GENERAL HEADING OF OFFENCES AGAINST THE ADMINISTRATION OF LAWFUL AUTHORITY. SECTION 94 PROVIDES THAT ANYONE EMPLOYED IN PUBLIC SERVICE WHO CORRUPTLY ASKS, RECEIVES OR OBTAINS A BENEFIT OF ANY KIND, OR ATTEMPTS TO DO SO, IN EXCHANGE FOR DOING SOMETHING, OR OMITTING TO DO SOMETHING IN THE DISCHARGE OF HIS OFFICE; OR WHO CORRUPTLY OFFERS OR PROMISES PROPERTY OF ANY KIND TO A PUBLIC SERVANT IN EXCHANGE FOR A DISCHARGE OF HIS OFFICE FAVORABLE TO THE OFFERER IS LIABLE TO THREE YEARS IMPRISONMENT. SECTION 95 BANS EXTORTION AS A MISDEMEANOR PUNISHABLE BY THREE YEARS IMPRISONMENT. SECTIONS 385-388 UNDER GENERAL HEADING OF CORRUPT PRACTICES BAN UNDISCLOSED PAYMENTS TO AGENTS FOR SHOWING OR FOREBEARING TO SHOW FAVOR TO ANY PERSON IN RELATION TO HIS PRINCIPAL'S BUSINESS, SECRET COMMISSIONS ON GOVERNMENT CONTRACTS, AND PAYMENTS BY AN AGENT OR PERSON FOR PURPOSES OF OBTAINING A GOVERNMENT CONTRACT.

3. COPIES OF PERTINENT LEGISLATION POUCHED PM/L.
WILKOWSKI

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Message Attributes

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Margaret P. Grafeld
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